

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMERICAN-ARAB ANTI-
DISCRIMINATION COMMITTEE, et al.,

Plaintiffs,

v.

MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY

Defendant

04 11652 NG

CIVIL ACTION NO.

**PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION AND
EMERGENCY MOTION FOR EXPEDITED HEARING**

Plaintiffs in the above-captioned civil action hereby move this Court for an injunction directing the Defendant to refrain from acts violative of the rights secured to the Plaintiffs under the Constitution, laws and regulations of the United States, in connection with Plaintiffs use of the Massachusetts Bay Transportation Authority ("MBTA") transit system.

Due to the urgency of the requested relief, Plaintiffs request that this Court order an expedited hearing on this Motion for Preliminary Injunction, to take place on July 27, 2004 as early in the day as the Court's schedule permits.

Because Plaintiffs are likely to succeed on the merits of their claim and will be irreparably harmed unless the requested relief issues, a harm which outweighs any risk of harm to Defendant, and as is further supported by Plaintiffs' Complaint, Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Injunction, and the attached Affidavits, Plaintiffs move this Court to enjoin Defendant's conduct as follows:

- (a) issue an injunction prohibiting Defendant, its agents, employees, assigns and all

persons acting in concert or participating with Defendant from seizing any person and/or searching that person and/or his or her belongings, in any way, as a condition of that person's utilizing the MBTA system, without individualized probable cause, except insofar as a brief investigatory stop, based on articulable reasonable suspicion, pursuant to Terry v. Ohio, 392 U.S. 1 (1968); and

(b) grant such additional relief as this Court deems just and proper.

WHEREFORE, the Plaintiff's request that the Court grant the preliminary injunction.

Respectfully submitted,

For the Plaintiffs
By their Attorneys,



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CERTIFICATE OF SERVICE

I certify that on this day a true copy of the above document was served upon the attorney of record for each party by mail / by hand. *and email*

Date: July 26, 2004
Michael Avery